

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, 234/4 A.J.C Bose Road Nizam Palace Kolkata**



ORDER SHEET

COURT NO. : 1
30.08.2018
O.A./350/1043/2018
(.ASB)

SUSANTA MALLICK
-V/S-
S E RAILWAY

ITEM NO:26
FOR APPLICANTS(S) Adv. : Mr. A.Chakraborty
FOR RESPONDENTS(S) Adv.: Mr. B.P.Manna

Notes of The Registry	Order of The Tribunal
	<p>Heard Mr. A.Chakraborty, Ld. Counsel for the applicant, and Mr. B.P.Manna, Ld. Counsel appearing for the Official Respondents, on whom a copy of the O.A. has been served.</p> <p>2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:</p> <p>“An order do issue directing the respondents to regularize the period of absence from 20.06.2010 to 17.08.2010 by sanctioning leave as recommended by the Senior Section engineer (P.Way), South Eastern Railway. Bankura and to release salary fro the aforesaid period.”</p> <p>3. Brief facts of the case of the applicant are that while he was working as a UG Trackman, he remained absent from service from 20.06.2010 to 17.08.2010 as he was suffering and was under the treatment of a doctor and joined duty on 18.08.2010. The applicant submitted PMC certificate before the authority concerned for regularize his service. The Senior Section Engineer (P. Way) Bankura, South Eastern Railway recommended the case of the applicant vide office order dated 28.04.2011. I/O forwarded to ADEN IBQA with remarks that party was unauthorized absent from 20.06.2010 to 17.08.2010 and joined duty on 18.08.2010 with submitting PMC. He was not provided with Railway Quarter. Recommended for necessary Sanction please. The applicant submits that the period of absence may be regularized by sanctioning leave and salary for the period may be released in his. Ld. Counsel for the applicant submitted that although</p>

the case of the applicant was recommended by the Senior Section Engineer but till date the leave was not sanctioned and payment was not made although leave is due to the credit of the applicant.

4. Ventilating his grievance the applicant preferred a representation on 18.06.2018 (Annexure-A/3) before Respondent No.2 for regularization of his period of absence by sanctioning leave and for granting salary but the same has not been considered and disposed of till date, for which he has moved this Tribunal in the present O.A.

5. Ld. Counsel for the applicant submitted that the grievance of the applicant may be redressed if a specific direction is given to Respondent No.2 to consider the said representation under Annexure-A/3 within a specific time frame.

6. Taking into account the submissions made by Ld. Counsel for the applicant, I do not think that it will be prejudicial to either of the sides if this O.A. is allowed to be disposed of. Accordingly, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No.2 to consider the representation as at Annexure-A/3, if any such representation has been preferred and is still pending consideration, and pass a reasoned and speaking order within a period of six weeks from the date of receipt of copy of this order.

7. Although, I have not expressed any opinion on the merit of the matter and all the points raised in the representation, stated to have been made and is still pending consideration before Respondent No.2, will be considered as per Rules and Regulations in force, still then I hope and trust that if after such consideration the case of the applicant is found genuine then expeditious steps may be taken by the Official Respondents to sanction the leave and release salary within a further period of three months therefrom. However, I also make it clear that if in the meantime the said representation under Annexure-A/3 has already been considered and disposed of then result of the same be communicated to the applicant within a period of two weeks from the date of receipt of this order.

8. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

W.D,

9. As prayed for by Ld. Counsel for the applicant, copy of this order along with paperbook be transmitted to Respondent No.2 by Speed Post for which he undertakes to deposit the cost with the Registry by 03.09.2018.

10. Free copies of this order be handed over to the Ld. Counsels for both the sides.

(A.K. PATNAIK)
MEMBER (J)

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